

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

ROBERT W. MCKENNEY,	)	
	)	
Plaintiff	)	
	)	
v.	)	2:12-cv-00161-DBH
	)	
CUMBERLAND COUNTY JAIL,	)	
	)	
Defendant	)	

RECOMMENDED DECISION

On May 14, 2012, plaintiff filed a complaint<sup>1</sup> against the Cumberland County Jail and Sheriff Kevin Joyce. He neither paid the \$350.00 filing fee nor filed an application to proceed in forma pauperis. On May 15, 2012, this Court issued an Order that plaintiff either pay the required filing fee or file a properly completed application for leave to proceed in forma pauperis, by June 5, 2012, failing which the Court would issue a recommendation that the action be dismissed. As of today's date, Plaintiff has neither paid the required filing fee nor filed a properly completed application for leave to proceed in forma pauperis.

Accordingly, it is recommended that the Complaint be DISMISSED.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) (1993) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

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<sup>1</sup> Plaintiff called his complaint a motion pursuant to 28 U.S.C. § 2241, but he is clearly attempting to commence civil litigation against the Sheriff in relationship to prison conditions at the Cumberland County Jail, i.e. the jail's failure to provide him with a "religious" diet.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

June 15, 2012

/s/ Margaret J. Kravchuk  
U.S. Magistrate Judge